

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 6th day of August, 2012 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight Mayor
Vickie Abrego Mayor Pro Tempore
James A. Mills Council Member
Billy Ellis Council Member
Phillip Hyatt Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Allen Lawrence City Attorney
Reggie Winters City Manager
Yvonne Stonebraker City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Eric Blanchard Police Chief
Paul Alvarado Public Works Director
Rickie Kilgore Fire Chief
Jeff Martin Information Tech

OTHERS PRESENT: Donald & Jeanie Brummett, Betty Collier/GrantWorks, Ryan Stacy/Firefighter, Hope Comingore/APMDD, Venus Mills, Phil & Nell Reynolds, David Underbrink/Naismith Engineering, Nathan Borrego/Firefighter, Rosemary Vega/Chamber of Commerce, and Patsy Lawrence.

There may have been others present who did not sign in.

1. CALL MEETING TO ORDER.

Mayor Knight called the Meeting to order at 7:00 P.M. on August 6, 2012.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Mayor Knight led the Pledge of Allegiance to the United States Flag and Council Member Mills gave the Invocation and honored Mr. Robert J. Miller as a fallen Aransas Pass Volunteer Firefighter. After reading Mr. Millers obituary, Council Member Mills and Fire Chief Rickie Kilgore presented Mr. Millers fire hat and pictures to his wife, Ms. Linda Miller.

3. CONSENT AGENDA.

- A. CONSIDER AND ACT ON MINUTES OF JULY 16, 2012.
- B. CONSIDER ANDACT ON ORDINANCE NO. 2012-4014 – AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO SYLVIA MORENO TO OPERATE A BAR AT 1152 S. COMMERCIAL STREET, BEING LOTS 39-42, BLOCK 7, FRICKS ADDITION, ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS SUBJECT TO CONDITIONS SETFORTH.
- C. CONSIDER AND ACT ON ORDINANCE NO. 2012-4015 – AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO MARK KUENSTLER TO OPERATE A USED CAR LOT AT 812 N. COMMERCIAL, BEING LOTS 17-24, BLOCK 522, ARANSAS PASS, ARANSAS COUNTY, TEXAS, SUBJECT TO CONDITIONS SET FORTH.

Council Member Hyatt made a motion to approve the consent agenda with corrections pointed out by Council Member Mills. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

4. **CONSIDER AND ACT ON APPROVAL OF A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ARANSAS PASS, TEXAS, AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12 AND PROVIDING AN EFFECTIVE DATE.**

Council Member Hyatt made a motion to approve a resolution by the City Council of the City of Aransas Pass, Texas, authorizing and approving publication of Notice of Intention to issue Certificates of Obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15c2 and providing an effective date. Council Member Ellis seconded the motion and the motion carried unanimously.

5. **PUBLIC HEARING REGARDING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

City Attorney Allen Lawrence opened the Public Hearing at 7:08 P.M. and asked if there was anyone present to speak in favor of the program.

Ms. Betty Collier, GrantWorks, stated the Public Hearing regarding the Community Development Block Grant program was the first step in the grant process for grant cycle year 2013-2014. She stated grant top priority project funding was for water, sewer, and drainage improvements. She stated the grant was for \$300,000 with a city match of \$60,000 (in-kind, monies or a combination of both.)

Attorney Lawrence asked if there was anyone present to speak in favor of the request.

There was none.

Attorney Lawrence asked if there was anyone present to speak against the request.

There was none.

Attorney Lawrence closed the Public Hearing at 7:15 P.M.

6. **CONSIDER AND ACT ON APPROVAL OF A RESOLUTION OF THE CITY OF ARANSAS PASS, TEXAS, AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS TO THE PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

Council Member Hyatt made a motion to table agenda item 6. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

7. **PUBLIC HEARING ON REQUEST OF BILLS BOAT BARN FOR A CONDITIONAL USE PERMIT TO OPERATE A PARK AND SELL LOT. THE PROPERTY IS DESCRIBED AS OUTLOT 19, TRACT 3, 4, & 5, 1500 S. COMMERCIAL, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS DISTRICT.**

City Attorney Lawrence opened the Public Hearing at 7:16 P.M. and asked if there was anyone present to speak in favor of the request.

Mr. Jerry Moore stated he would like a Conditional Use Permit to open a park and sell lot at 1500 S. Commercial. He stated the person would sign a contract and register with an attendant at the lot. He stated the contract would have a time limit and if the item (cars, trucks, motorcycles, R.V's, trailers, etc) didn't sell by that time stated, the person would either pick up the item or sign another contract.

Attorney Lawrence asked if there was anyone present to speak in favor of the request.

There was none.

Attorney Lawrence asked if there was anyone present to speak against the request.

There was none.

Attorney Lawrence closed the Public Hearing at 7:25 P.M.

8. **CONSIDER AND ACT ON REQUEST OF BILLS BOAT BARN FOR A CONDITIONAL USE PERMIT TO OPERATE A PARK AND SELL LOT. THE PROPERTY IS DESCRIBED AS OUTLOT 19, TRACT 3, 4, & 5, 1500 S. COMMERCIAL, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS DISTRICT.**

Council Member Mills made a motion to approve the request of Bill's Boat Barn for a Conditional Use Permit for one (1) year to operate a Park and Sell Lot. The property is described as Outlot 19, Tract 3, 4, & 5, 1500 S. Commercial, Aransas Pass, Texas, San Patricio County. The property is zoned (GB) General Business District. Council Member Ellis seconded the motion and the motion carried unanimously.

The following item was tabled on July 3, 2012 and needs to be un-tabled before considering.

9. **CONSIDER AND ACT ON RESOLUTION NO. 2012-675 – A RESOLUTION AUTHORIZING TAX RESALE PROPERTY – LOT 13 & 14, BLOCK 445, CITY OF ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 3, PAGE 41, MAP RECORDS OF SAN PATRICIO COUNTY, TEXAS. SUIT NO. S-04-1206-TX; 400 BLOCK S. MCCAMPBELL.**

Council Member Hyatt made a motion to untable agenda item 9. Council Member Mills seconded the motion and the motion carried unanimously.

Council Member Ellis made a motion to approve Resolution No. 2012-675 – A resolution authorizing tax resale property – Lot 13 & 14, Block 445, City of Aransas Pass, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 3, Page 41, Map Records of San Patricio County, Texas. Suit No. S-04-1206-TX; 400 Block S. McCampbell. Council Member Mills seconded the motion and the motion carried unanimously.

10. **CONSIDER AND ACT ON RESOLUTION NO. 2012-678 – A RESOLUTION AUTHORIZING TAX RESALE PROPERTY – LOT 26, BLOCK 325, ORIGINAL TOWNSITE, CITY OF ARANSAS PASS, ARANSAS COUNTY, TEXAS AS DESCRIBED IN VOLUME U-2, PAGE 138, DEED RECORDS OF ARANSAS COUNTY, TEXAS.**

Council Member Mills made a motion to approve Resolution No. 2012-678 – A resolution authorizing tax resale property – Lot 26, Block 325, Original Townsite, City of Aransas Pass, Aransas County, Texas, as described in Volume U-2, Page 138, Deed Records of Aransas County, Texas. Council Member Hyatt seconded the motion and the motion carried unanimously.

11. **CONSIDER AND ACT ON SCHEDULING A JOINT MEETING BETWEEN THE CITY COUNCIL AND THE ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT.**

Mayor Pro Tem Abrego made a motion to approve Thursday, August 16, 2012, 7:00 P.M. at City Hall, to have a joint meeting between the City Council and the Aransas Pass Municipal Development District. Council Member Hyatt seconded the motion and the motion carried unanimously.

12. **CONSIDER AND ACT ON APPOINTMENT OF A NEW MEMBER AND REAPPOINTMENT OF TWO EXISTING MEMBERS TO THE ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT.**

Council Member Mills made a motion to approve reappointment of James Covington and Stephen Walls and to appointment Eddie Garcia and Elizabeth Dorris to the Aransas Pass Municipal Development District board. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

13. **CONSIDER AND ACT ON APPROVING THE FISCAL YEAR 2013 PRELIMINARY BUDGET CALENDAR.**

Council Member Mills made a motion to approve the Fiscal Year 2013 preliminary budget calendar. Council Member Hyatt seconded the motion and the motion carried unanimously.

14. **CONSIDER AND ACT ON ADOPTING THE 2012 CERTIFIED TAX ROLLS; AND REVIEW AND DISCUSS THE EFFECTIVE TAX RATE.**

Council Member Mills made a motion to approve the adoption of the 2012 certified tax rolls. Council Member Ellis seconded the motion and the motion carried unanimously.

15. **CONSIDER AND ACT ON ADOPTING A NEW POLICY REQUIRING THE CITY OF ARANSAS PASS PAYING A PORTION OF THE COST FOR STEEL TOE BOOTS FOR PUBLIC WORKS AND WATER AND SEWER EMPLOYEES.**

City Manager Winters discussed the importance of steel toe boots for the Public Works Departments and asking permission for the City of Aransas Pass paying a portion of the cost.

Council Member Hyatt made a motion to adopt a new policy requiring the City of Aransas Pass paying a portion of the cost for steel toe boots for public works and water and sewer employees. Council Member Mills seconded the motion and the motion carried unanimously.

16. **CONSIDER AND ACT ON ROAD REPAIRS IN THE CITY OF ARANSAS PASS.**

Council Member Mills made a motion to table agenda item 16. Council Member Ellis seconded the motion and the motion carried unanimously.

17. **CONSIDER AND ACT ON APPROVING THE TYPE OF REPAIR ON CHOSEN ROADS IN THE CITY OF ARANSAS PASS.**

Council Member Mills made a motion to approve seal coat as the type of road repair in the City of Aransas Pass. Council Member Hyatt seconded the motion and the motion carried unanimously.

18. **CONSIDER AND ACT ON APPROVING REPAIRS TO THE ARANSAS PASS SOFTBALL COMPLEX.**

Council Member Mills made a motion to table agenda items 18 and 19. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

19. **CONSIDER AND ACT ON APPROVING GENERAL FUND BUDGET AMENDMENT NUMBER 1 FOR FISCAL YEAR 2011-2012.**

Tabled under agenda item 18.

20. **CONSIDER AND ACT ON APPROVING IMPROVEMENTS TO THE CITY OF ARANSAS PASS WEBSITE INCLUDING THE LOOK AND FEEL, GRAPHIC DESIGN, NAVIGATION AND SITE INFRASTRUCTURE.**

Council Member Mills made a motion to approve improvements to the City of Aransas Pass website including the look and feel, graphic design, navigation and site infrastructure. Council Member Hyatt seconded the motion and the motion carried unanimously.

21. **CITIZENS' COMMENTS.**

Mr. Donald Brummett stated when his road was repaired, he paid a street assessment.

22. **RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Mayor Knight recessed the Regular Meeting and retired into Executive Session at 8:16 P.M.

A. **SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – CITY OF INGLESIDE VS CITY OF ARANSAS PASS**

23. **RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Mayor Knight reconvened the Regular Meeting at 8:45 P.M.

A. **SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – CITY OF INGLESIDE VS CITY OF ARANSAS PASS**

No action taken.

24. **ADJOURNMENT OF MEETING.**

Council Member Mills made a motion to adjourn the meeting. Council Member Hyatt seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 8:46 P.M.

Tommy Knight, Mayor

ATTEST:

Yvonne Stonebraker, City Secretary